DEVIN DERHAM-BURK #104353 1 **CHAPTER 13 STANDING TRUSTEE** P O Box 50013 2 San Jose, CA 95150-0013 3 Telephone: (408) 354-4413 Facsimile: (408) 354-5513 4 Trustee for Debtor(s) 5 6 7 UNITED STATES BANKRUPTCY COURT 8 NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5 9 In re: 10 Chapter 13 RAMOS, CANUTO JR 11 Case No. 08-55253 ASW 12 FIFTH AMENDED TRUSTEE'S OBJECTION TO CONFIRMATION WITH CERTIFICATE OF RAMOS, JUNIE 13 SERVICE Pre-Hearing Conference Date: JUNE 7, 2010 Pre-Hearing Conference Time: 2:00 PM Place: 280 S. 1st Street Room 3020 14 15 San Jose, CA Debtor(s) 16 Judge: Arthur S. Weissbrodt 17 18 Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 0% Plan for 19 the following reasons: 20 1. The debtors filed an Fifth Amended Plan on May 12, 2010 which added the following 21 language to Section 7: "Claim(s) of GMAC are disallowed as creditor has foreclosed on 22

1. The debtors filed an Fifth Amended Plan on May 12, 2010 which added the following language to Section 7: "Claim(s) of GMAC are disallowed as creditor has foreclosed on collateral." This is not appropriate. The debtors cannot use the Plan as a mechanism to disallow claim(s), therefore said language must be deleted. If it is the debtors' intention no provide for no payments to GMAC Mortgage (account #2609 and #2610), then an Amended Plan must be filed to add the following language, "Neither the debtors nor

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Trustee shall disburse any funds on the claims filed by GMAC Mortgage (account #2609 and #2610) as the real property has been foreclosed." Dated: May 24, 2010 /S/ Devin Derham-Burk Chapter 13 Trustee

Trustee's Objection to Confirmation – 08-55253 ASW

CERTIFICATE OF SERVICE BY MAIL

address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the

I declare that I am over the age of 18 years, not a party to the within cause; my business

within Fifth Amended Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on May 24, 2010.

Said envelopes were addressed as follows:

CANUTO & JUNIE RAMOS 1635 STARLITE DR MILPITAS CA 95035 EVAN MARTYNDALE LIVINGSTONE 182 FARMER'S LN #100A SANTA ROSA CA 95405

/S/ Chaovalai Chulasawan
Office of Devin Derham-Burk, Trustee